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IA NO:GA/3/2011 [OLD NO:GA/379/2011]
IN WPO/1083/2001

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/S. HOTEL SAVOY & ANOTHER
VERSUS
CALCUTTA MUNICIPAL CORPORATION & ORS.

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM
Date : 6th January, 2022.
[VIA VIDEO CONFERENCE]

Mr. Alak Kumar Ghosh, Adv. appears for the respondent.

The Court : This application was filed on 4th February, 2011 to recall/set aside the order dated 20th July, 2006 by which the writ petition filed by the applicant in WPO/1083/2001 was dismissed for default.

None appears for the petitioner. Mr. Ghosh, learned counsel appears for the respondents.

It is seen that the dispute, which was raised in the writ petition, pertains to grant of water connection and pursuant to an interim direction on payment of Rs. 1 lac the water supply was restored. In the considered view of this Court, by efflux of time no useful purpose would be served by keeping this application pending and directed the writ petitioner to restore.

Therefore, this Court is of the view that this application can be disposed of by giving liberty to the applicant to agitate his right in the manner known to law by filing a fresh petition either before the respondent authority or before other competent authority and the amount of Rs.1 lac which was paid pursuant to interim order shall be treated to be a deposit and it will not prejudice the rights of the applicant to contest the matter afresh.

With the aforesaid liberty, this application stands disposed of.

(T.S. SIVAGNANAM, J.)

pkd/S.Pal
AR(CR)